



OFFICE OF CHIEF COUNSEL FOR ADVOCACY

U.S. SMALL BUSINESS ADMINISTRATION
WASHINGTON, D.C. 20416

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September 25, 1996

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

By Hand Delivery

Mr. William Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

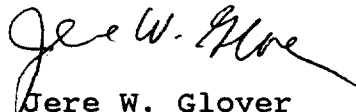
RE: Ex Parte Presentation in CC Docket No. 92-297,
Rulemaking to Amend Parts 1, 2, 21, and 25 of the
Commission's Rules to Redesignate the 27.5-29.5 GHz
Frequency Band, to Reallocate the 29.5-30.0 GHz
Frequency Band, to Establish Rules and Policies for
Local Multipoint Distribution Service and for Fixed
Satellite Services

Dear Mr. Caton:

The Office of Advocacy of the United States Small Business Administration hereby respectfully submits for inclusion in the record of the above-referenced proceeding an original and one copy of correspondence summarizing an oral ex parte presentation made to Assistant for Microwave Services Robert James of the Private Wireless Division of the Wireless Telecommunications Bureau regarding the subject proceeding on this date.

Any questions regarding this communication may be addressed to David Zesiger of the Office of Advocacy at 202/205-6950.

Sincerely,


Jere W. Glover
Chief Counsel

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RE: *Ex Parte* Presentation in CC Docket No. 92-297, Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission's Rules to Redesignate the 27.5-29.5 GHz Frequency Band, to Reallocate the 29.5-30.0 GHz Frequency Band, to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services

Dear Mr. Caton:

This is to notify the Commission that David Zesiger, Assistant Chief Counsel for Telecommunications of the Office of Advocacy, spoke with Robert James, Assistant for Microwave Services of the Private Wireless Division of the Wireless Telecommunications Bureau, by telephone on Wednesday, September 25, 1996 regarding the above-referenced docket. The Office of Advocacy of the U.S. Small Business Administration is charged by statute to "represent the views and interests of small businesses before other Federal agencies whose policies and activities may affect small business..."¹

The Fourth Notice of Proposed Rulemaking in the above-referenced proceeding ("Notice") proposed, *inter alia*, to redesignate the 31.0-31.3 GHz band for LMDS services.² The proposal would redesignate the affected spectrum to LMDS use, displacing current users. The Office of Advocacy previously filed reply comments regarding this proposal.

The following points were made by the Office of Advocacy during the conversation: (1) The Commission should actively work to bring the parties to a negotiated resolution of that meets both incumbent and LMDS spectrum needs; (2) The Commission should consider favorably spectrum sharing proposals made by the incumbent users of the 31.0-31.3 GHz band for portions of spectrum on either end of the band; and (3) Incumbent users should be accorded adequate spectrum to avoid forcing them to replace transmitters already installed

¹15 U.S.C. § 634c(4)

²Notice at Part IV.A.

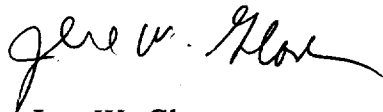


Mr. William Caton
September 25, 1996
Page Two

with significantly more expensive transmitters. This would allow incumbent users and licensees simply to retune existing transmitters at a fraction of the cost of replacing them.

The original and one copy of this letter are hereby submitted to the Office of the Secretary. Please direct any questions concerning this presentation to David Zesiger, Assistant Chief Counsel for Telecommunications.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jere W. Glover".

Jere W. Glover
Chief Counsel

cc: Robert James